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**Memorandum**

September 7, 2005

**TO:** House Committee on the Judiciary  
Attention: Nolan Rappaport

**FROM:** Blas Nunez-Neto<sup>1</sup>  
Domestic Security Analyst  
Domestic Social Policy Division

**SUBJECT: Civilian Border Patrol Organizations: An Overview and History of the Phenomenon**

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This memorandum has been prepared in response to your request concerning the history of civilian border patrol organizations operating along the Southwest border. The issue of civilian border patrol organizations recently received a large amount of national publicity as a result of the Minuteman Project, which placed hundreds of volunteers along a stretch of the Arizona-Mexico border during the month of April, 2005. However, volunteer patrol organizations have a long history along the U.S.-Mexico border. This memorandum provides a brief overview of the origin and history of the volunteer organizations operating along the border, ending with an analysis of the Minuteman Project. It is not meant to be a comprehensive or exhaustive listing of all the civilian groups operating along the border, it is instead meant to provide a general overview of the phenomenon. As per your request, wherever legal actions that resulted in convictions have been identified against these groups they have been included.<sup>2</sup> If you have any further questions concerning topics covered in this memorandum, you can reach me at 7-0622 or at [bnunezneto@crs.loc.gov](mailto:bnunezneto@crs.loc.gov).

The phenomenon of civilians taking it upon themselves to patrol the border has existed, albeit in a wide variety of forms, for over a hundred and fifty years. In the 1840s, when Texas became an independent Republic, the citizens of Shelbyville organized a group called the Regulators to deal with what they saw as a proliferation of criminals in their township. However, the Regulators' methods, which included ambushes and lynchings, led to the creation of a rival group called the Moderators, whose job description included hunting down the Regulators. The Mexican-American war forced the two groups to unite under the banner

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<sup>1</sup> Cheryl Beaver, Information Research Specialist with the Knowledge Services Group, contributed to this memorandum.

<sup>2</sup> Due to a lack of scholarly and government sources of information on this issue, this memo is based primarily on press reports.

of the state of Texas.<sup>3</sup> While ad-hoc civilian border patrol groups have existed throughout American history, over the past fifteen years civilian border patrol organizations have apparently proliferated, possibly due to the increase in the number of unauthorized aliens entering the country illegally during this period. This trend appears to have sharpened over the past five years, with a number of highly organized groups forming and actively recruiting volunteers.

## Civilian Border Patrol Organizations in the 1990s

The United States Border Patrol (USBP) within the Department of Homeland Security (DHS) is charged with securing the United States' borders.<sup>4</sup> Located within DHS' Customs and Border Protection (CBP), the USBP's primary mission is to detect and prevent the entry of terrorists, weapons of mass destruction, and unauthorized aliens into the country, and to interdict drug smugglers and other criminals *between* official ports of entry (POE). In the 1990s, the USBP began implementing a policy of "Prevention Through Deterrence" through Operation Gatekeeper in San Diego, California and Operation Hold the Line in El Paso, Texas. The strategy's goal was to place USBP agents and resources directly on the border in order to deter the entry of illegal aliens, rather than attempting to arrest aliens after they have already entered the country. According to CBP, achieving optimum deterrence would mean that increasing the number of agents and resources in a sector would not result in an increase in the number of unauthorized migrants apprehended in that sector.<sup>5</sup> The "Prevention Through Deterrence" policy was embraced by Congress, with both the House and Senate Appropriations Committees in 1996 directing the INS to hire new agents, reallocate USBP agents stationed in the interior to front line duty, and staff the interior offices with investigative staff instead.<sup>6</sup> This strategy has apparently shifted the migration pattern of unauthorized aliens. Throughout the late 1990s apprehensions decreased significantly in the traditional hot-spots along the California and Texas border, instead pushing out into the harsh conditions of the Arizona desert along the Tucson sector.<sup>7</sup> Not surprisingly, civilian border patrol and anti-immigration activism groups have tended to follow the trends of unauthorized migration. In the 1980s and early 1990s, the majority of these groups operated along the San Diego border, which was historically the flash-point for

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<sup>3</sup> Mike Blakely, "Texas' Own 'Civil War': the Moderators vs. the Regulators," *The Houston Chronicle's Texas Magazine*, Jan. 26, 1986.

<sup>4</sup> For a more detailed analysis of the U.S. Border Patrol refer to CRS Report RL32562, *Border Security: The Role of the U.S. Border Patrol* by Blas Nuñez-Neto. For a more detailed account of the formation of DHS refer to CRS Report RL31549, *Department of Homeland Security: Consolidation of Border and Transportation Security Agencies*, by Jennifer Lake, and CRS Report RL31560, *Homeland Security Proposals: Issues Regarding Transfer of Immigration Agencies and Functions*, by Lisa Seghetti.

<sup>5</sup> U.S. Customs and Border Protection, *Performance and Annual Report: Fiscal Year 2003*, p. 41.

<sup>6</sup> U.S. Congress, Senate Committee on Appropriations, *Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies Appropriations Bill, 1996*, report to accompany H.R. 2076, 104<sup>th</sup> Congress, 1<sup>st</sup> session, S.Rept.104-139 and U.S. Congress, House Committee on Appropriations, *Making Appropriations for the Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies For the Fiscal Year Ending September 30, 1996, and for Other Purposes*, report to accompany H.R. 2076, 104<sup>th</sup> Congress, 1<sup>st</sup> session, H.Rept. 104-378.

<sup>7</sup> For a more in depth analysis of the U.S. Border Patrol, please refer to CRS Report RL32562, *Border Security: The Role of the U.S. Border Patrol*, by Blas Nuñez-Neto.

unauthorized migration. As unauthorized migration was pushed westward towards Arizona after the advent of the Prevention Through Deterrence policy and Operation Gatekeeper, which focused agents and USBP resources on the San Diego border in the 1990s, a number of civilian border patrol organizations began to proliferate along the Arizona border. Following is a selected list of civilian organizations operating along the U.S.-Mexico border during the 1990s.

**Voices of Citizens Together/American Patrol.** This anti-illegal immigration activism organization was founded in 1992 by Glenn Spencer, one of the leading voices in the movement.<sup>8</sup> Inspired by the traumatic race riots that broke out in Los Angeles in 1992, Spencer formed a neighborhood organization, Valley Citizens Together, that was subsequently renamed as interest expanded. Spencer launched a newsletter which linked the various social problems facing Los Angeles, including poverty, violence, illiteracy, and white flight, to illegal immigration.<sup>9</sup> Spencer's organization was an active participant in the Save our State movement, a loose coalition of anti-illegal immigration organizations that advocated for the mass deportation of illegal immigrants. The movement culminated with Proposition 187, which would have expelled illegal immigrants from public schools and denied them health and social services. Voices of Citizens Together gathered 40,000 signatures to help put Proposition 187 on the ballot; in 1994 Proposition 187 passed as a referendum with widespread support. In 2001, however, Democratic Governor Gray Davis agreed to a court order overturning the Proposition 187.<sup>10</sup>

**U.S. Citizen Patrol.** This civilian patrol organization was formed in 1996 and placed volunteers at the San Diego International Airport. At its highwater mark, it featured 200 volunteers who patrolled the airport wearing blue tee-shirts emblazoned with the "U.S. Citizen Patrol" logo. The group attempted to identify illegal immigrants using the airport to transit into the U.S. and report them to the police.<sup>11</sup>

**Light Up the Border.** This group was an ad-hoc collection of citizens who would station their vehicles along a road overlooking the San Diego-Mexico border and turn on their headlights when darkness fell in order to provide a passive deterrence to those seeking to cross the border under the cover of night.<sup>12</sup>

**Ad Hoc Groups.** Thus far this memorandum has focused on the relatively organized civilian border patrol organizations; however, there are many ad hoc and loose coalitions of civilians that are engaged in patrols of the border. These ad hoc groups began to proliferate in the late 1990s, as unauthorized migration was pushed into areas that had not seen many aliens historically. For example, in 1997, one rancher near Campo, California, organized

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<sup>8</sup> Michael White, "Illegal Immigrants Becoming Target of Violence as Resentment Grows," *The Associated Press*, Aug. 23, 1993.

<sup>9</sup> Patrick J. McDonnell, "Brash Evangelist: Thanks to an Obsession with Immigration, Glenn Spencer has Ended up on a List of Hate Groups. Is His a Courageous Voice in the Wilderness—or the Whine of a Hatemonger?" *The Los Angeles Times Magazine*, July 15, 2001. Hereafter referred to as McDonnell, "Brash Evangelist."

<sup>10</sup> McDonnell, "Brash Evangelist."

<sup>11</sup> Carol Morello, "At San Diego Airport, a Posse Patrols for Illegal Immigrants," *Philadelphia Inquirer*, May 24, 1996.

<sup>12</sup> Sam Kiley, "Vigilantes Stalk Mexicans at Border," *The Sunday Times*, June 3, 1990.

nighttime operations in which volunteers were equipped with camouflage fatigues and semi-automatic rifles. These operations were in response to the growing problem of unauthorized migration in the region as a result of Operation Gatekeeper, as discussed above. The Campo USBP station reportedly saw a 3000% increase in apprehensions between 1994 and 1997. The rancher revealed in being characterized as a vigilante: “a vigilante is, by definition, a citizen upholding the law in the absence of law enforcement. That’s the way we out here look at it.”<sup>13</sup> Also in 1997, ranchers in Eagle Pass, Texas engaged in a shootout with armed aliens in which over 30 rounds were fired. Many of the ranchers in the Maverick County reportedly carried handcuffs and semi-automatic weapons in order to deter and apprehend unauthorized aliens.<sup>14</sup>

## Civilian Border Organizations in the 2000s

Today, Arizona features both the largest amount of unauthorized migration and the largest numbers of civilian border patrol organizations. Once again, it is important to note that this is not a comprehensive listing of the organizations mounting civilian border patrols in Arizona. It does, however, identify the most organized and largest such organizations as well as some ad hoc groups of citizens patrolling the border. In addition, as per your request, this section identifies any legal actions culminating in convictions that were undertaken against these groups.

**Ad Hoc Groups.** Arizona also features ad hoc groups of local ranchers seeking to identify and detain unauthorized aliens. Roger Barnett, who owns a 22,000 acre<sup>15</sup> ranch near Douglas, Arizona was one of the first and is possibly the most famous of these ranchers. On March 10, 1999, Barnett and 20 other landowners in the area signed a proclamation which noted “if the government refuses to provide security, then the only recourse is to provide it ourselves.”<sup>16</sup> Barnett started patrolling his ranch in 1998 and typically dresses in camouflage and carries a sidearm;<sup>17</sup> he claims to have apprehended over 10,000 unauthorized migrants.<sup>18</sup> Roger Barnett and his brother, Don, have sometimes been accused of using force to apprehend migrants, a claim they vehemently deny<sup>19</sup> and were accused of impersonating federal agents in a suit brought by the human rights organization Border Action Network in

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<sup>13</sup> Ted Conover, “Border Vigilantes,” *New York Times*, May 11, 1997.

<sup>14</sup> Thaddeus Herrick, “Armed on the Border; Ranchers along Rio Grande take on Illegal Intruders Themselves,” *Houston Chronicle*, Nov. 2, 1997.

<sup>15</sup> Of the 22,000 acres, 15,000 are apparently leased from the state of Arizona, as reported by: Max Blumenthal, “Vigilante Injustice,” *Salon.com*, May 22, 2003.

<sup>16</sup> Max Blumenthal, “Vigilante Injustice,” *Salon.com*, May 22, 2003.

<sup>17</sup> Alan Zarembo, “Coyote Inc.,” *Newsweek*, August 30, 1999.

<sup>18</sup> Michael Riley, “Tired of Flow of Migrants, Vigilantes Go Out on Patrol,” *Denver Post*, Oct. 20, 2003.

<sup>19</sup> See Bill O’Reilly, “Impact: Chaos on the Mexican Border,” *Fox News Network*, July 14, 2000.

2003.<sup>20</sup> In 2000, an anonymous flyer was posted in public areas around Douglas inviting volunteers to form posses to hunt for unauthorized aliens.<sup>21</sup>

**Ranch Rescue.** This organization was formed in Texas by Jack Foote in June of 2000 in order to protect the property rights of ranchers along the border—although Foote, who moved to the state in 1997, reportedly does not own any property in Texas.<sup>22</sup> According to published accounts, Foote drew the inspiration for his organization from accounts of migrant captures undertaken by Roger Barnett. Ranch Rescue drew a significant amount of press coverage due to its penchant for actively recruiting volunteers, organizing pseudo-military style operations featuring armed camouflage-clad volunteers, and for allegedly using violence. In 2002, *Soldier of Fortune* magazine helped Ranch Rescue assemble “a heavily armed tactical team of 20 for Operation Hawk,” near Nogales which led to the capture of 280 pounds of marijuana.<sup>23</sup> In March of 2003 two Ranch Rescue volunteers were arrested for allegedly pistol whipping two Salvadoran migrants. One of them, Casey Nethercott, is currently serving a five year prison sentence in connection with the incident, for being an ex-felon in possession of a firearm. The jury deadlocked on the more serious charge of assault that stemmed from the incident. Foote and Nethercott also received a \$1,350,000 default judgment for not responding to a civil lawsuit filed over the incident.<sup>24</sup> In August of 2005, Casey Nethercott’s ranch in Douglas, Arizona was awarded to the two Salvadoran migrants in a settlement stemming from the default judgement.<sup>25</sup>

**American Border Patrol.** This organization was formed in 2002 by Glenn Spencer, formerly of Voices of Citizens Together/American Patrol in Los Angeles, California. American Border Patrol uses cameras, sensors, “hawkeye” spotters, and unmanned aerial vehicles<sup>26</sup> to identify suspected border intruders. Once identified, the intruders are videotaped whenever possible and reported to the border patrol. According to Spencer, American Border Patrol differs from other civilian patrol groups operating in Arizona in that their volunteers do not carry firearms and do not attempt to detain migrants, but rather focus on documenting border intrusions.<sup>27</sup> Nevertheless, Spencer was sentenced to a year of

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<sup>20</sup> Arthur Rotstein, “Ranchers Accused of Impersonating Federal Agents Near Border Sued,” *Associated Press*, Dec. 10, 2003.

<sup>21</sup> Geoffrey Mohan, “Arizona Ranchers Move to Limit Border Crossings,” *The Times Union*, May 28, 2000.

<sup>22</sup> Thomas Korosec, “Soldiers of Misfortune: Ranch Rescue Finds its Welcome Mat Withdrawn,” *Houston Press*, Sept. 18, 2003.

<sup>23</sup> Mark Lisher, “Vigilante Chief Longs to Lead U.S. Border War; Armed Group Says Missions Defend Property; Others Call Campaign ‘Virulent Racism,’” *Austin American Statesman*, Nov. 2, 2003.

<sup>24</sup> Jesse Borgan, “With Vigilante Jailed, Officials Have ‘One Less Worry,’” *San Antonio Express-News*, May 4, 2005.

<sup>25</sup> Beth DeFalco, “Border Ranch Turned Over to Immigrant Border Crossers,” *Associated Press*, Aug. 19, 2005.

<sup>26</sup> The organization has outfitted three model airplanes with cameras which are designed to home in on ground sensors triggered by people walking in the desert.

<sup>27</sup> Austin Bunn, “Homegrown Homeland Defense,” *New York Times Magazine*, June 1, 2003.

probation and was fined \$2,500 for recklessly firing a gun after a 2003 incident when a neighbor discovered bullets had been fired into her garage door.<sup>28</sup>

**Civil Homeland Defense.** Chris Simcox drew his inspiration for founding this group during a 2.5 month long camping session in the Arizona desert after the terrorist attacks of 9/11, during which he claimed to have observed five paramilitary groups of drug dealers. Incensed by the border's insecurity, Simcox moved to Tombstone, Arizona and bought the local newspaper, *The Tumbleweed*, for \$50,000. Civil Homeland Defense began in 2003 when Simcox and some friends offered to serve as private security guards for ranchers in the area. According to Simcox, the only membership requirement was a concealed gun permit from the state of Arizona in order to "screen out the criminals and loonies."<sup>29</sup> Civil Homeland Defense volunteers carry searchlights and portable radios in addition to their guns, and typically do not dress in camouflage.<sup>30</sup> In 2004, Simcox was convicted of carrying a concealed weapon on federal land and lying to a federal law enforcement officer about it; he was sentenced to two years of probation.<sup>31</sup>

**Minuteman Project.** Founded by retired California businessman James Gilchrist in October of 2004, the Minuteman Project was organized with the help of Chris Simcox and placed hundreds of volunteers along a 64 mile stretch of the Arizona border for the month of April, 2005. In press interviews leading up to the deployment of the Minuteman volunteers, Gilchrist sought to distance himself from the activities of Roger Barnett and Ranch Rescue by stressing that the goal of the project was not to make apprehensions: "We will be recording. We'll chronicle all these reports that are going to Border Patrol from our outposts and our foot patrols and our air wing. We will record whether the Border Patrol is reacting or not, whether there has been an interception or not."<sup>32</sup>

The Minuteman Project officially began on April 1, 2005. According to published reports, roughly 800 volunteers participated in the month-long protest over lax border security with Mexico. On April 20, Simcox's Civil Homeland Defense officially took control of the Minuteman Project, designating new supervisors and reassigning volunteers.<sup>33</sup> According to the Minuteman organizers, the project succeeded in dramatically reducing the flow of illegal immigration in Arizona. According to published reports, "Mr. Gilchrist said the number of aliens crossing where Minuteman volunteers had set up observation posts

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<sup>28</sup> Tyche Hendricks, "Militias Round Up Illegal Aliens in Desert," *San Francisco Chronicle*, May 31, 2004.

<sup>29</sup> Dan Baum, "Patriots on the Borderline; Toting Guns, Cameras, and Mighty Convictions, Small Bands of Americans are Patrolling the Southwest in Search of Illegal Immigrants," *Los Angeles Times*, Mar. 16, 2003.

<sup>30</sup> Michael Riley, "Tired of Flow of Migrants, Vigilantes Go Out on Patrol," *Denver Post*, Oct. 20, 2003.

<sup>31</sup> Thaddeus Herrick, "Armed on the Border; Ranchers along Rio Grande take on Illegal Intruders Themselves," *Houston Chronicle*, Nov. 2, 1997.

<sup>32</sup> Sean Hannity and Alan Colmes, "Interview With James Gilchrist," *Fox News: Hannity and Colmes*, Jan. 26, 2005.

<sup>33</sup> Jerry Seper, "Minutemen Join New Organization," *Washington Times*, Apr. 21, 2005.

dropped from an average of 64,000 a month to an expected 5,000 this month.”<sup>34</sup> The USBP contested this claim, noting that while apprehensions in eastern Arizona, where the Minutemen were deployed, declined from 24,842 in April of 2004 to 11,128 in April of 2005, apprehensions in western Arizona increased from 18,052 in April of 2004 to 25,475 in April of 2005.<sup>35</sup> USBP officials also stated that the Minutemen volunteers were disrupting their operations by unwittingly tripping sensors deployed along the border, forcing agents to respond to false alarms.<sup>36</sup> CBP officials attributed the decrease in apprehensions in eastern Arizona to increased patrolling on the Mexican side of the border by Mexican police and military authorities.<sup>37</sup>

Today, the Minuteman Project has split into two loosely related factions: Chris Simcox leads the Minuteman Civil Defense Corps, which focuses on continuing to place volunteers along the border, while James Gilchrist has focused on using the Minuteman Project to expose employers who hire illegal migrants. Simcox’ Minuteman Civil Defense Corps is currently planning a border watch operation in Texas during the month of October, 2005.<sup>38</sup>

## Congressional Action

The Border Protection Corps Act (H.R. 3622), introduced by Congressman Culberson, would allow states to create “Border Protection Corps” and would charge this militia with “patrolling and defending the international border of the State with Canada or Mexico, in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.” The bill would also require the Department of Homeland Security to reimburse states for funds expended on the Border Protection Corps. H.R. 3622 has been referred to the Committee on Homeland Security and the Committee on Armed Services.

## Conclusion

This memorandum has provided an overview of civilian border patrol organizations operating along the United States-Mexico border in the past fifteen years. The phenomenon has apparently reached a high-water mark of sorts with the Minuteman Project in Arizona, drawing widespread popular press coverage from around the world and volunteers from across the country during the month of April. Interestingly, many of the larger civilian border patrol organizations—including Glenn Spencer’s American Border Patrol, Chris Simcox’ Civil Homeland Defense, as well as the Minuteman Project—have been founded by people who are not originally from Arizona but rather moved there explicitly to address the issue of unauthorized migration. It is unclear how much support these organizations have locally, as published reports have varied significantly regarding this issue. Apart from the

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<sup>34</sup> Jerry Seper, “Minutemen Join New Organization,” *Washington Times*, Apr. 21, 2005.

<sup>35</sup> Gail Gibson, “For Minutemen, Chance to Patrol a Porous Border,” *Baltimore Sun*, May 1, 2005, p.1A.

<sup>36</sup> Arthur Rotstein, “Border Patrol Complains That Volunteers Are Tripping Sensors Used to Detect Illegal Crossers,” *The Associated Press*, Apr. 5, 2005.

<sup>37</sup> Michael Coronado, “Minutemen Monitor, Get Monitored at Arizona-Mexico Border,” *Orange County Register*, Apr. 14, 2005.

<sup>38</sup> Minuteman Civil Defense Corps, *Minuteman Corps Texas*, at [<http://www.minutemanhq.com/tx/>].

widely reported incident involving Ranch Rescue, there have been no credible reports of civilian border patrol organizations engaging in violence against migrants. There have been many reports, however, of general violence against migrants as well as law enforcement officers and Border Patrol agents along the Arizona border. The surge in violence and smuggling along the border was cited by New Mexico Governor Bill Richardson and Arizona Governor Janet Napolitano when they issued state of emergency declarations for counties bordering on Mexico in the two states.<sup>39</sup>

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<sup>39</sup> Ralph Blumenthal, "Citing Border Violence, 2 States Declare a Crisis," *New York Times*, Aug. 17, 2005.